

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

AZael DYTHIAN PERALES,

Plaintiff,

v.

NATIONAL GUARD BUREAU, et al.,

Defendants.

)
)
)
)
)
)
)
)
)
)

No. 4:18-CV-0363 JAR

MEMORANDUM AND ORDER

Plaintiff, Azael Dythian Perales, seeks leave to proceed in forma pauperis in this civil action against the National Guard Bureau, the Federal Election Commission, California Fair Political Practices Commission, Edison International, Wells Fargo Bank, N.A., United States, AT&T, California Public Utilities Commission, and “related defendants.” After a review of plaintiff’s financial affidavit, the Court will grant plaintiff’s motion to proceed in forma pauperis. *See* 28 U.S.C. § 1915. However, for the reasons set forth below, the Court will dismiss his complaint as frivolous. *See* 28 U.S.C. § 1915(e)(2)(B).

Discussion

Under 28 U.S.C. § 1915(e), a Court must *sua sponte* dismiss an indigent plaintiff’s complaint or any portion thereof which (1) is frivolous or malicious; (2) fails to state a claim upon which relief may be granted; or (3) seeks monetary relief against a defendant who is immune from such relief.¹ A complaint is frivolous if “it lacks an arguable basis either in law or in fact.” *Neitzke v. Williams*, 490 U.S. 319, 327 (1989). Dismissals on this ground should only

¹In his motion to admit new related cases, plaintiff requests the Court to take note of certain cases, included unspecified grand jury proceedings against the United States House Minority Leader Nancy Pelosi and United States Senators Barbara Boxer and Dianne Feinstein.

be ordered when legal theories are “indisputably meritless,” or when the claims rely on factual allegations that are “clearly baseless.” *Denton v. Hernandez*, 504 U.S. 25, 31 (1992). “Clearly baseless” factual allegations include those that are “fanciful,” “fantastic,” and “delusional.” *Id.* at 32-33 (quoting *Neitzke*, 490 U.S. at 325, 327).

From the complaint and supporting documents, plaintiff’s claims are clearly frivolous. Plaintiff provides no factual basis whatsoever in support of his claims for racketeering, espionage and conspiracy to commit espionage, which are patently absurd and unsupported by any colorable legal theory. Furthermore, plaintiff has failed to establish that venue is even proper in this Court. 28 U.S.C. § 1391(b)(2). Indeed, this case appears to be part of a pattern of abusive litigation tactics plaintiff has engaged in since 2009.² Thus, the Court finds that plaintiff’s complaint is frivolous and fails to state viable legal claims.

Accordingly,

IT IS HEREBY ORDERED that plaintiff’s motion to proceed in forma pauperis [Doc. #2] is **GRANTED**.

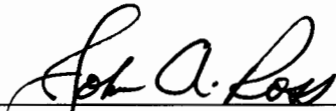
IT IS FURTHER ORDERED that plaintiff’s motion to admit new related cases [Doc. #3] is **DENIED**.

²Since 2009, plaintiff has filed no fewer than 85 federal lawsuits in 36 different states, many of which have been dismissed *sua sponte* as frivolous. *See, e.g., Perales v. U.S. House of Representatives, et al.*, No. 1:12-CV-00140-JD, Doc. 8 (D.N.H. Aug. 8, 2013) (dismissing plaintiff’s suit against “the chairpersons or directors of fifteen federal legislative committees and executive agencies; ten California agencies, judges, mayors, and/or other state officials; [and] the chief executives of a number of private corporations”); *Perales v. United States of America*, No.2:12-CV-11160-PDB-PJK, Doc. 3 (E.D. Mich. March 21, 2012) (dismissing plaintiff’s suit against “a collection of politicians, judges, and entertainment personalities, including President Obama, Hillary Clinton, Oprah Winfrey, and Steve Jobs”); *Perales v. United States*, No. 1:11-CV-00091-CCM, Doc.3 (Ct. Cl. Feb. 17, 2011) (dismissing plaintiff’s allegations “that a traffic light camera constitutes a weapon of mass destruction”).

IT IS FURTHER ORDERED that the Clerk shall not issue process or cause process to issue upon the complaint the complaint is legally frivolous.

A separate Order of Dismissal shall accompany this Memorandum and Order.

Dated this 20th day of March, 2018.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE